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LETTER DATED 22 JUNE 1998 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to the letter addressed to you on 18 June 1998 from the Permanent Representative of Eritrea to the United Nations and to its annex, a statement by the Ministry of Information and Culture of Eritrea, issued on 17 June 1998 (S/1998/536).

The Eritrean authorities, while continuing their occupation of Ethiopian territory, and having rejected the proposal of the facilitators and the recent peace effort by the delegation of African Heads of State and Government undertaken with a mandate from the thirty-fourth session of the Assembly of Heads of State and Government of the Organization of African Unity, are, once again, attempting, in the above-mentioned letter, to deceive the international community and to divert attention from the crimes they have committed, and continue to commit, against the Ethiopian civilian population, including schoolchildren and facilities, such as schools and industrial and residential centres.

Ethiopia is at present trying to address the various implications of the aggression carried out on its territory by a Government and a leadership which has no moral scruples and which has no respect whatsoever for principles of international and humanitarian laws. Moreover, the Eritrean Government is known for its mendacity and for trying to cover its crimes by hiding behind accusations made against others for crimes it continues to commit with such abandon and with an absolute lack of decency and civility.

In short, Ethiopia is forced to deal with a Government which is absolutely beyond the pale with regard to all standards that Governments are expected to uphold, whether in the diplomatic area or the political sphere, and with respect to compliance with international law and humanitarian principles.

While the foregoing is a rough outline of the challenges my Government is facing today in connection with the Eritrean aggression, it has also become necessary for us to inform you about the situation as regards the conditions of Eritrean civilians residing in Ethiopia, as well as the crimes being committed in Eritrea against Ethiopian residents in Eritrea.

Accordingly, it is my honour to enclose herewith a document prepared by the Ethiopian Government on these issues, as well as on related matters which highlight the various unfriendly and hostile acts being perpetrated by the Eritrean authorities against Ethiopia.

I should be grateful if you would kindly circulate the present letter and its annex as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

Annex

Document prepared by the Government of Ethiopia

The Eritrean regime has neither the moral nor the political standing to talk about human rights and humanitarian principles

The Eritrean regime has continued to launch unfounded allegations against Ethiopia for expelling en masse Eritrean civilians residing in Ethiopia.

In the light of the above attempt to distort the facts, the Government of Ethiopia is duty-bound to put once again the issue in its proper perspective and bring the truth to the attention of the international community at large and relevant international organizations mandated to look into issues of this nature, in particular:

1. The Eritrean regime, which has no track record on the respect of basic human rights and freedoms, and which has declared officially at the highest political level that war has no rules and that indiscriminate killing of civilians is inevitable and justifiable, has no moral ground to talk about violation of human rights.

2. Ever since the Eritrean regime unleashed the unprovoked aggression against Ethiopia, the Eritrean forces have deliberately chosen to strike at civilian targets. In this regard, the bombing of an elementary school by the Eritrean Air Force in the city of Mekelle in broad daylight while students were in their classrooms, killing 51 and wounding 136, is a brutal act prohibited under general international humanitarian law, particularly under the Geneva Conventions and the two Additional Protocols which protect civilians during armed conflicts. There is no question that the air strike at the elementary school was a premeditated attack carried out twice within a difference of two hours.

3. This act of indiscriminate killing of civilians was repeated on 11 June 1998 in Adigrat, where civilians and relief food supply stores were targeted, killing 4, and wounding 30 civilians, including an 18-month-old baby and a pregnant woman. These victims were the same people previously displaced by the aggressor force from the border town of Zalambessa.

4. The targeting of civilians and social and economic infrastructures is not something unprecedented for the Eritrean regime. The Eritrean aggression started on 12 May 1998 with the destruction of schools, health stations and other infrastructures in the locality of Badme. This has left the entire population of Badme and its environs with no health services and educational facilities. Thousands were displaced and left homeless and are now sheltered in relief centres.

5. In the first week of June, for no reason except to cause destruction, the Eritrean regime indiscriminately shelled and completely destroyed the Ethiopian town of Zalambessa. Its residents, over fifteen thousand (15,000),

were compelled to flee to Adigrat, where they were mercilessly bombed again a week later.

6. The Eritrean regime has not limited its indiscriminate attack on civilians to northern Ethiopia. It has continued to unleash a campaign of terror against peaceful Ethiopians residing in Eritrea. The Eritrean authorities have been detaining thousands of Ethiopians in camps, while dumping many others on the common border of the two countries. The Eritrean forces have brutally expelled well over 4,000 Ethiopian civilians from Eritrea after depriving them of their property and subjecting many of them to beatings and torture.

7. Presently, about 600 Ethiopians are imprisoned without access to their families, the International Committee of the Red Cross (ICRC) and journalists, and continue to be exposed to the worst form of torture, atrocities and inhuman treatment.

8. The parading of an Ethiopian prisoner of war in the streets of Asmara on 6 June 1998 is only one example of the acts of brutality that is characteristic of the regime's behaviour from the outset.

9. As the result of this naked and blatant aggression of the regime, the number of displaced persons has now reached 143,000 and it is expected that this number will reach 300,000.

10. On the contrary, the Ethiopian Government's reaction to the unprovoked aggression by the Eritrean regime was based on the cardinal principles of international law and relevant conventions. The Ethiopian Government, even weeks after the aggression was committed by the invading forces, has not responded in kind and has exercised maximum restraint, even though it was fully justified to do so under international law. The defensive air strike by the Ethiopian Air Force was targeted only on military installations at the Eritrean Air Force base in Asmara. As far as the ground war is concerned, Ethiopia continued to defend its territory from further encroachment by Eritrean forces. Moreover, it has treated prisoners of war (POWs) taken as the result of the military engagement with Eritrean forces in the most humane way. The ICRC and other concerned agencies have full access to visit Eritrean POWs.

11. Furthermore, the policy of the Ethiopian Government towards Eritreans residing in Ethiopia is based on the solid principle of friendship and a bond of common destiny. Even in the face of naked aggression and continuous provocation by the Eritrean regime, the Ethiopian Government is totally committed to respect the rights of Eritreans living in its territory and fully guarantees them to live and work in peace. Under no circumstances will the Ethiopian Government succumb to a tit-for-tat exercise with the Eritrean regime in the treatment of civilians in conflict situations.

12. However, the Government of Ethiopia, as a victim of aggression, has taken the following precautionary measures regarding some Eritreans and Eritrean organizations in Ethiopia out of national security considerations:

- Eritreans who occupy senior positions in some government and other public institutions have been asked to take a one-month forced leave with their salaries paid in full. The measure affects mainly employees at security sensitive installations, such as telecommunications, aviation, power generation, etc.;

- Officials and functionaries of the Eritrean People's Liberation Front (EPLF) in Ethiopia are required to leave the country. However, their dependants are given the choice of staying in the country, if they so wish;

- Those Eritrean individuals who have been engaged in mobilizing resources to finance the Eritrean war of aggression against Ethiopia, and involved in espionage and other clandestine activities, are also required to leave Ethiopia, even though the Ethiopian Government has a legitimate right to take legal action against them. However, no confiscation measures have been taken against their property and they are allowed to nominate an agent/agents to look after their interests. Their dependants are also given the choice of staying in Ethiopia if they wish to do so;

- About 1,000 former EPLF combatants and conscripts who entered Ethiopia taking advantage of the visa liberalization policy, are also temporarily detained, as they pose a threat to national security and peace. After the necessary investigation, these individuals will be allowed to leave to any country of their choice.

13. As the Eritrean Government recently disclosed through its Embassy in Addis Ababa, about 130,000 Eritreans are known to reside in different parts of Ethiopia. Nevertheless, the above precautionary measures taken on the basis of national security and peace considerations affected only 1,045 Eritreans. Moreover, these measures have been executed with all the necessary care and in full observance of relevant international laws and norms.

14. Those Eritrean citizens who by virtue of this decision are required to leave Ethiopia have been accompanied to the border town of Humera with the utmost care for their comfort, safety and security and in the presence of the Red Cross Representative.

15. Furthermore, the Ethiopian Government has allowed free access to ICRC, journalists, other concerned organizations and to their families to visit all those Eritreans under temporary detention or who were put in transit camps before deportation.

16. Thus the Government of Ethiopia would like to underscore, that the Eritrean Government has neither the moral nor the political standing to accuse Ethiopia of violating the basic human rights of Eritreans currently residing in Ethiopia. It is the Eritrean regime which is solely responsible for committing gross and flagrant violation of basic human rights and freedoms and principles of international humanitarian law. And yet it has the audacity to accuse Ethiopia of human rights violations. This behaviour is indeed a glaring demonstration of an exercise in hypocrisy.

17. The Government of the Federal Democratic Republic of Ethiopia believes that the United Nations, regional organizations and their member States have legal, political as well as moral responsibility to take all measures with a view to preventing the Eritrean aggressor from further grave breaches of international law.

18. To this end, the Government of the Federal Democratic Republic of Ethiopia calls upon the international community:

- To secure unhindered access for human rights organizations and humanitarian agencies to areas where Ethiopian nationals have been arbitrarily detained, so that steps can be taken to locate and bring them to areas where their personal safety and security can be assured and secure their unconditional release;

- Ensure the unconditional return of the properties of Ethiopian civilians and businessmen confiscated and robbed by the Eritrean regime;

- To put pressure on the Eritrean Government to abide by the principles of the 1949 Geneva Conventions and the Additional Protocols which are generally recognized norms of international law.

19. And further calls upon:

- The United Nations Development Programme, the Office of the United Nations High Commissioner for Refugees, the United Nations Department of Humanitarian Affairs and other United Nations system agencies to make a coordinated response in supporting the thousands of internally displaced persons and those Ethiopian civilians forcefully evicted from Eritrea;

- International human rights organizations in particular the United Nations Human Rights Commission to investigate and make public the continuing arrests, harassment, intimidation, torture, arbitrary killings and disappearances of Ethiopian nationals.

In conclusion, regardless of the inhuman and criminal acts of the Eritrean regime targeting civilians and civilian installations and the maltreatment of Ethiopian nationals in Eritrea, the Ethiopian Government assures the international community that, in exercising its right of self-defence, it remains committed to live up to international standards and norms as well as in the treatment of Eritrean civilians peacefully residing in Ethiopia.

Appendix

Short synopsis of the loss of life, population displacement and destruction of property caused by the unprovoked Eritrean aggression against Ethiopia since May 1998

1. Badme, Shiraro and surrounding localities

12 May	-	20 people were killed, a further 20 were wounded and 370 people were displaced.
13 May-4 June	-	23 social facilities, comprising 12 elementary schools, 9 health posts and 2 clinics, were destroyed;
	-	30 Ethiopians were kidnapped, 8 others were jailed, and 3 civilians were publicly executed;
	-	1,800 quintals of agricultural inputs and grain stored to be distributed to draught victims in the area, thousands of domestic animals, construction materials worth around 100,000 birr and other properties were looted;
	-	Work on 18 boreholes expected to benefit more than 10,000 people was disrupted.

2. Makale town

5 June	-	The Eritrean war planes, targeting primarily civilian targets, killed 51 people, wounding 136 others aged between 5 and 70. The victims of the raids were students in school compounds and families who happened to be in the vicinity looking for their children.

3. Adigrat town

11 June	-	The Eritrean war planes unleashed a second air attack on civilian establishments. As a result of this attack, 4 persons were killed and over 30 others were wounded, while a warehouse of the Commission for Disaster Prevention and Preparedness was seriously damaged and relief supplies (20 thousand quintals of grain and 13,500 litres of edible oil), which were meant for displaced civilians from battle zones, were destroyed.

4. Asmara and its environs

9 June - The Eritrean Security forces evicted over 3,000 Ethiopian civilians and detained about 600 others, confiscating their property, including personal belongings and inflicting inhuman sufferings. Many of them were deported through a hostile territory across the common border in an inhuman manner.

5. Assab

9 June - More than 1,000 Ethiopians who were evicted from Assab were subjected to the worst form of torture and inhuman treatment.

6. Other parts of Eritrea (Dekemehari, Senafe, Adikei, Massawa, Umahajjer and Tesseney)

11 June - Another group of Ethiopians numbering more than 180 were subjected to the same type of inhuman treatment and deported to Ethiopia.

7. Dislocation of Ethiopian population

As a result of this naked and blatant Eritrean aggression the number of the displaced persons has now reached 143,000 and it is expected that this number will reach 300,000.

8. Illegal detention of shipments destined to Ethiopia at the Ports of Assab and Massawa

In contravention of the principles laid down under articles 2 and 10 of the Convention on Transit Trade of Land-locked States, 8 July 1985, and the provisions related with the access of landlocked States to and from the sea and freedom of transit under Part X (Arts. 124-132) of the United Nations Convention on the Law of the Sea, as well as terms of the Bilateral Agreement on Transit and Port Services signed between Ethiopia and Eritrea on 29 September 1993, the Eritrean authorities have detained a total of more than 135 thousand tons of dry cargo, 46,741 metric cube of liquid cargo and 51 metric tons of asphalt without any legal ground at the Eritrean Ports of Massawa and Assab. These are good destined for relief and civilian projects designed to address the basic needs of the people.

This short list of crimes committed by the Eritrean aggressor against defenceless civilians, including women and children cannot be mistaken for border disputes. These are crimes against humanity that the international community must denounce and condemn without hesitation.